

## CONGRESSIONAL.

IN THE HOUSE OF REPRESENTATIVES.

THURSDAY, MAY 17TH, 1838.

### OREGON TERRITORY.

The message of the President of the United States in relation to the title of the United States to the Territory west of the Rocky Mountains, was taken up.

The question pending was on the motion of Mr. Cushing, to commit the same to the Committee on Foreign Affairs, with instructions to inquire into the expediency of establishing a post on the Columbia river, and to make further provision by law, for the intermeddling by any person with the Indians there, &c.

Mr. Cushing stated that this was a subject of great interest, which he wished might be presented to the people of the United States. It would lead into a discussion of dry details, which might not interest the House, but which were now most important to be understood and spread before the country. It was a question which involved our relations with other powers, and our interests must be, at any hazard, defended. He did not fear that this question would bring our nation into conflict with any other; but, if it did, that hazard must be encountered, and our rights maintained. He should contend that we had the right to the territory alluded to, to the exclusion of European powers, by the right of discovery, for he maintained that the discovery of an island, carried the whole island, against subsequent discoveries or possession of other parts. If it was a discovery of a river, it not only carried the river but the lands that bordered thereon, and the tract of country to its sources. He assumed these principles to be true, because they had always been insisted upon by our country as a part of international law.

He said we had a right, by discovery, because the first discovery and exploration was made by Captain Robert Gray, of Massachusetts, who sailed there in the brig Columbia, and was the first person who visited Columbia river, which he named, after the name of his vessel, the Columbia river. This first exploration was followed by Lewis and Clarke, which was complete from the source to the mouth of the same river; and that again was followed by the settlement of John Jacob Astor. Vancouver's discovery, upon which the English found a right, was subsequent to that of Capt. Gray, and he visited the mouth of the river, as he had stated, in consequence of information given him by Capt. Gray. The occupancy of the territory, projected by John Jacob Astor in an enlightened spirit, and with the forecast which distinguishes an enterprising merchant, was made in 1805, still previous to the occupancy of any other power; though not under the patronage, yet under the encouragement of the Government of the United States. If that possession had been insisted in, it would now have precluded any foreign nation; but the war of 1812 ensued, and broke up the establishment; and the whole of Mr. Astor's great property there was sacrificed by his treacherous agent, McDugal, who, by collision with the North West Trading Company of Montreal, conveyed the property to them, and became a partner in their concern.

The matter remained thus, till the close of the war, when it was settled by treaty, that the United States should be restored to any possession they had before to any lands west of the Mississippi before the war; and in consequence of that treaty, the sloop of war *Rapid* was sent round to take down the flag of St. George, and restore that of the United States upon the Columbia river, yielding the command of the territory to Commodore Biddle. This was, however, merely a political possession, the actual possession still remaining in the hands of the Northwest Company, and so remaining to the present day. Mr. C. maintained, that the territory was in our country by the first discovery, and by treaty, and that the right was entire and perfect. We held by treaty the right of the only two European powers, which pretended even to have had a claim, besides Great Britain, which were Spain and France.

Hernando Cortez had made a discovery which was anterior to that of the English, and he gave the river the name of Oregon, which it still bears. The English pretended also to claim, under a discovery by Sir Francis Drake, a notorious pirate, who sailed under his own black flag, and who had been ennobled by England, in consequence solely of his atrocious feats of piracy; but, without questioning whether a discovery by a pirate would acquire a right to the soil, Mr. C. said that, as Drake only visited the coast for the purpose of plunder, his landings were only made on parts settled by Spain; and he did not go farther North than the coast now admitted to be within the boundary of New California, which was South of latitude 42 degrees, the Southern boundary of our claim. But whatever right Spain might have had, had been acquired by our Government, by the treaty for the ces-

sion of Florida, and the adjustment of claims. The States had ceded all right to lands west of a certain boundary, and Spain ceded to us all right to lands in Florida, and west of the Mississippi, so that by the Spanish title, which was antecedent to the English, we had a perfect right to the territory.

The only other nation that had pretended to have a title was France, which, by an extension of territory, in consequence of the discovery and possession of Louisiana, and in consequence of the principle that the discovery or possession of the source of a river carried a title to the mouth, might have set up a claim, had conveyed and ceded whatever right or claim might have existed, to the United States by the treaty of cession of Louisiana.

But Great Britain was precluded also by our treaty of 1763 with that nation, in which they ceded and relinquished all right to lands west of the Mississippi, south of the parallel of 49 degrees; and by a treaty with Russia, it was agreed that they would make no settlement south of the 54th degree, and we agreed to make none north of that parallel, so that by the treaty with Russia, and by the construction of the principle that the discovery of the mouth or river gave a right to all the territory to its source, the title was complete to the 54th degree of latitude.

But Great Britain did not now set up a title to the territory as an original claim, but pretended that it was disputed territory, to which no nation had a title, and which was to be determined by such European nations as had any pretension to it, and by compromise or war. He considered the occupation of that territory by Great Britain now, by military posts, as in violation of national law, and in violation of an express stipulation, by which they had agreed not to occupy any portion of it; and he compared it to their encroachments upon the territory of Maine, unjust and clandestine, as he would show hereafter. But before proceeding, he would appeal to an individual present [Mr. Adams] who was a living record of the diplomatic history of the country, if he had not truly and correctly stated the facts and treaties, so far as they related to the right of foreign nations to this territory; and if he was not right, he wished to be corrected on the spot.

Mr. Adams said that he believed his colleague was perfectly right in his facts, as far as he recollected, but there might be differences of opinion upon the principles, and he was not prepared to concede that the discovery of a part of an island carried the whole island. He referred to the grant of all undiscovered lands made by Pope Alexander to Spain and Portugal, and went at length into the history of various European controversies respecting titles to this continent; after which he spoke of various discoveries, such as the mouth of the Mississippi, Lake Ontario, and the Texas lands, upon which he spoke at length. He also referred to the signing of the Florida treaty, and spoke of the question of veracity raised between himself and President Jackson, two years since, upon the subject of the Mexican boundary, stating that he had placed in the hands of President Van Buren, evidence that he [Mr. Adams] was correct in his statements upon that subject.

Mr. Cushing then resumed; but after proceeding a few minutes, gave way to Mr. Johnson of Maryland, on whose motion, the House adjourned.

**HONOR SUPERIOR TO LAW.**—There is too much law now-a-days. Legal honesty is fast taking the place of moral honesty, and tact of honor. There is much talk about high-mindedness and honorable feeling, but a precious little of it in the community. The subjoined question embodies a sentiment on this subject worthy of all consideration:

"Honor, my lord, is much too proud to ketch At every slender twig of nice distinction. These for the unfeeling vulgar may do well. But those whose souls are by the nicer rule Of virtuous delicacy only swayed, Stand at another bar than that of laws."

**High Prices.**—There was once a country store keeper, who was remarkable for the high prices he charged for his goods. A customer, calling one day, found the store open but no one in attendance. After waiting a few moments, he inquired of a neighbor where Mr. Whyte was? "Why, he's gone over to G—," a distance of about fifteen miles. "What! and leave his store open?" "Yes. His goods are marked so high, that the one who steals them, gets a hard bargain at that!"

### RICH LANDS FOR SALE.

THE subscriber being determined to move to Texas, takes this method of informing the public, that all his lands are for sale, consisting of Eleven Eighties; all lying within six miles of Kosciusko; 136 acres adjoining town, 130 acres of which is under a good fence, and 80 in cultivation. Also 8 acres in the incorporation, laid off in two acre lots. The remainder lying in three small tracts at the distance of three, five and six miles from town. Any person wishing to purchase good land, would do well to call. If not sold before the 15th of August next, the whole will be put in the Mississippi Union Bank, so that any person wishing to own stock in the said Bank can get a bargain.

GABRIEL E. NASH.

## KOSCIUSKO, MISS.

Saturday, June 9, 1838.

Persons holding subscriptions to "THE SPIRIT OF KOSCIUSKO," will please forward the same as early as possible. Prompt attention to this matter is particularly requested.

Our town subscribers will please call on our office for their papers until we can procure a carrier boy, after which we will have our paper left at their respective residences.

Washington dates up to the 19th of May, inform us that Congress is yet doing but little. The Ten Million Treasury Note Bill had passed both houses. In the House, the vote was a tie, but was carried by the casting vote of the Speaker. In the Senate the vote stood 27 for and 13 against the Bill. Much important business is yet before Congress; and we think it high time for the members of that body to abandon their quarreling and attend to their business. But we will be patient, for who knows but the two Whig Representatives from Mississippi, may set all things to rights as soon as they reach the Federal City!

### COL. T. B. J. HADLEY.

This gentleman, the present Senator from Hinds county appears to have pursued a course that does not give satisfaction to some of his constituents, and an attempt is now being made to instruct him to resign his seat. Col. Hadley was elected as a Whig, and from one of the most violent whig counties in the State.—We speak of course, of the modern kind of whigism, which has now taken the place of what was Federalism during the late war and during the administration of Mr. Madison.—There are now also two kinds of whigs, as there were then two kinds of Federalists. The one who call themselves such, and stand in opposition to the existing administration, merely because they differ in opinion upon some questions of general policy, but are still patriots in feeling and principle, and will stand by their country and our republican Government, in preference to any other; and against all others right or wrong. To such whigs or such Federalists as these, we have no objection, and however much we may differ with them in opinion upon questions of state policy, we can entertain for them the same respect and regard, that we do for those who entirely agree with us; but when it comes to the blue light cast of either Whigs or Federalists, who seem to regard themselves as only in the line of their duty, when they are throwing impediments in the way of the successful administration of our Government, or doing some act which may tend to bring it into disrepute and disgrace, and who give a signal to the enemy whenever such opportunity is afforded; for such Federalists or Whigs, we regard them, as they have made themselves,—the enemies of our country, and of our free institutions:—and as far as they go, living proofs that men are incapable of self government.

Now we know Col. Hadley,—and altho' in our political opinions we differ with him almost *toto coelo*, yet as a politician and statesman, we believe him to be one of those liberal minded gentlemen who would pursue a course to do, if possible, the greatest good to the greatest number, unmindful of the trammels of party organization. We can bear witness for him, that his course as a member of the Senate during the last session of the Legislature, was characterized by a liberal spirit, in local questions affecting this section of country, which entitles him, not to our thanks, because we consider him only to have been in the line of his duty, but to our respect and good opinion, because that, in this, he was distinguished from many of his co-adjutors. We deprecate that sectional and selfish policy which has heretofore but too much characterized our Legislature, in members opposing whatever does not immediately benefit their particular constituents, or section of the country. The crime—as we understand it, which some of Col. Hadley's constituents have seen fit to charge him with, is not so much what he has done as what he thinks. The Col. has had the firmness to express his opinion, that "a United States Bank is inexpedient, and a dangerous institution;" yet, nevertheless as the Representative of Hinds county, he feels bound to vote for a United States Sen-

ator who is in favor of a United States Bank, knowing that such is the sentiment of a majority of his constituents. We do not know whether the objection to their Senator with these ultra whigs who are getting up these instructions, is because he has heretofore shown himself to be too much of a Democrat, by yielding his own opinion to theirs, as in the instance of the Bank question, or whether it is because he will not pledge himself to think differently from the Democratic party upon all questions. There is one hint however, that we will drop to the Senator and his instructing constituents, that is, that the whole principle of instructing and obeying instructions, is essentially Democratic, and does not belong to modern whigism; so that they had better take heed lest they all get engulfed in the vortex of Democracy.

A monstrous dust was kicked up at the Eagle Hotel on Monday evening by a kind of cosmopolite Guggler and his fair help-guggle. Such skipping, hopping, cutting and shuffling we have not seen this many a night;—and the music—Oh! was it not most charmingly spiniferous!—almost equal to the croaking of a few frogs, or the shrieking of a Shitepoke. Such getting up stairs we never did saw. We hope when this chap comes along here again, he will stay away.

**THE LATE DUEL.**—Congress has spent some weeks in the discussion of the subject of the late duel in which Mr. Cilley of Maine was killed by Mr. Graves of Kentucky. What it is to result in, we cannot yet predict. The Senate however has passed a strong anti-duelling bill with but one single dissenting vote, Mr. Sevier of Arkansas; and the Committee in the House appointed to investigate the affair, have reported, recommending the expulsion of Mr. Graves, and reprimanding Mr. Wise, the second. Although we think the conduct of some of those engaged in this affair highly reprehensible, yet we think it would have been well if Congress had passed the subject over for the present. If it is right that such a bill as has passed the Senate should become a law, then Congress and the nation have been in error for a long time; and it is not much credit to their wisdom, that it took an occurrence of this kind, to point out to them their duty. Although opposed to the practice of duelling, we think it highly impolitic for Congress to have meddled with the subject; and indeed think that it would be better for state legislation to have less to do with it. The only tribunal that can effectually put it down, and suppress the practice of duelling, is public opinion; and let what may be said upon the subject by moralists, the fact must still be admitted, that public opinion to some extent, is in favor of it, and more especially in the southern part of the United States. Our own opinion is, that the most effectual method that could be adopted to put it down, would be to pass laws legalising the practice. Its consequence would then be taken away and fighting duels would soon cease to be fashionable. We think there is much justice contained in the following concluding remarks of Mr. Graves, in his late speech made in the House of Representatives.

"I should do injustice to myself were I to conclude without saying that I was not conscious, at the time, that I had invaded the privileges of this house.—I thought I was especially careful to preserve them. I find, however, that being connected with a duel, either as a principal or second, when a member is a principal, technically involves all alike in a breach of privilege. Sir, I was involved in the commencement of this unfortunate affair innocently. I never conceived it possible that such consequences would have devolved on me,—when I consented to become the bearer of that ill-fated note, otherwise I never should have taken on myself the task. I am not and never have been, the advocate of the anti-social and unchristian practice of duelling. I have never up to this day, fired a duelling pistol.—Nor, until the day when I went to the field, I never took any weapon in my hand in view of a duel. Public opinion is practically the paramount law of the land; every other law, both humane and divine, ceases to be observed; yea, withers and perishes in contact with it. It was this paramount law of this nation and of this house that forced me, under the penalty of dishonor, to subject myself to this code which impelled me unwillingly into this tragical affair. Upon the heads of this nation, and at the doors of this house, rests the blood with which my unfortunate hands have been stained."

## CASH PAYMENT.

Some of our patrons, and are not, have been pleased to we have adopted rather a course, by demanding the job work and advertising to be favored with; and seem to us for pursuing such a course, is altogether unreasonable, and prescribed by those who have fault with our mode of doing it would prove dangerous to us, still deeper into the vortex of poverty and wretchedness. Many have the presumption to the Printers can live on the waste trash, and be enabled to carry business upon mere promises based upon the rotten credit of the day. To some this may be all sufficient for us, but we must confess that we have not enough to see or feel it; but ourselves in readiness to part with this extraordinary art of living, as we can be convinced of this great project, which others, is so well calculated to and effect, to curtail expenses how is it possible, that we report ourselves without the needful, when we have to pay for every thing we are concerned with, and too, at the most prices ever heard of in any country. Our Type, Ink and Paper, and necessary materials for a Press, is comparatively but a small part of our expenses; but when we make an estimate of the expense of our family, we are almost astonished of you would be able to pay men fifteen dollars a week, and a month for office rent, and a month for house rent, and a pound for the most bulk Pork, twenty dollars per cwt. Flour, thirty cents a pound for twenty cents a pound for all of which the cash must be do a credit business? From experience, we have learned that a system is not what it has been up to be, especially in our business: hence we have adopted a new mode of doing business; demand, in every instance, for all job work on delivery; and advertising accounts subject to payment when the advertising shall be completed. In this we are not if we were, we should pursue the same course. Every office in the State almost all in the South and South have adopted the same rule.

We copy the following from the Enquirer, and give our consent to every sentence of it, and ourselves to adopt and rigidly the same rule.

### TO EDITORS AND PRINTERS.

"There is no business that great a loss from its loose course, as that of our profession; and is no business so laborious, and so to the constitution that yields a remuneration. The Editor of the West and Southwest, and Tennessee particularly, should, correct this promiscuous chain them down to drudgery. If a man wants a paper the assurance forthwith to be without reference or acquaintance, perhaps, after reaping the benefit of our industry for two years, out to be a loafing scoundrel, with many of our advertising. We are entirely too willing to see and Mississippi to co-operate us, to establish and preserve the following course:

1st To send our paper to less he pays in advance, or a factory reference; and all out of the State must be paid in advance.

2. All job work must be done before it leaves the office, unless accounts opened with the person whom the work is done.

3. Every advertisement unknown to us, must be accompanied with the amount of money they wish it inserted, or the amount on some responsible person in town.

4. All advertisements sent to distance, with an order to be published, must be accompanied with the money to the amount they should be published in, or a responsible reference.